



1Fm/1618

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): CHIARELLI et al.
Serial No.: 10/533,768
For: CONTROLLED AND CONTINUED DELIVERY OF RIFAXIMIN
AND/OR OTHER SUBSTANCES
Filed: May 4, 2005
Examiner: Nissa M. WESTERBERG
Art Unit: 1618
Confirmation No.: 8171
Customer No.: 27,623

Attorney Docket No.: 0002263USU/3061

Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT AND RESPONSE TRANSMITTAL

We are enclosing an Amendment and Response to Restriction Requirement in response to the Office communication mailed December 15, 2008 in the above-identified application.

Petition for a one-month extension of time pursuant to 37 C.F.R. §§ 1.136 and 1.137 is hereby made if, and to the extent, required. The fee for this extension of time is calculated to be \$130.00 to extend the time for filing this response until February 16, 2009.

The fee for any change in number of claims has been calculated as shown below.

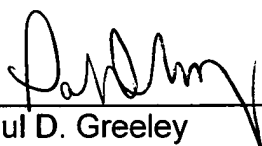
| CLAIMS AS AMENDED | | | | | | |
|---------------------------------|---|-------|---|---------------------|------------|--------|
| | Claims Remaining After Amendment | | Highest Number Previously Paid | Present Extra | Rate | |
| Total Claims | 16 | Minus | 20 | 0 | x \$52.00 | \$0.00 |
| Independent Claims | 1 | Minus | 3 | 0 | x \$220.00 | \$0.00 |
| MULTIPLE DEPENDENT CLAIM FEE | | | | x \$390.00 = \$0.00 | | |
| TOTAL FEE FOR CLAIM CHANGES | | | | \$0.00 | | |
| 1/2 FILING FEE FOR SMALL ENTITY | | | | \$N/A | | |

The total fee for this amendment, including claim changes and one-month extension of time is calculated to be **\$130.00.**

XXX A check in the amount of **\$130.00** is attached.

XXX The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or during the entire pendency of the application, or credit any overpayment, to **Deposit Account No. 01-0467** in the name of Ohlandt, Greeley, Ruggiero & Perle, LLP.

January 26, 2009
Date



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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON JANUARY 26, 2009.

LYNN C. WALLACH
NAME



SIGNATURE

26/JAN/2009
DATE